

## **AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1-17. (Cancelled)

18. (Currently Amended) A nebulizer comprising:

a container adapted to contain a liquid to be nebulized;

a tubular energy transmitter having one end immersed in the liquid proximate and spaced from the container; ~~and~~

an aerosol tube positioned about at least a portion of the tubular energy transmitter;

an energy source being operatively coupled to the container for nebulization of the liquid and being configured for transmission of energy to a focal ~~region~~ point of the liquid ~~which~~ proximate said one end of the tubular energy transmitter whereby said liquid is forced toward an opposite end of the tubular energy transmitter and nebulised within the aerosol tube.

19. (Previously Presented) The nebulizer of claim 18 wherein the energy source is positioned below the container.

20. (Cancelled)

21. (Previously Presented) The nebulizer of claim 18 wherein the tubular energy transmitter is positioned so that said one end is proximate the bottom of the container.

22. (Currently Amended) The nebulizer of claim 18 wherein the tubular energy transmitter vibrates at a frequency for forming an aerosol proximate the opposite end of the energy transmitter.

23. (Currently Amended) The nebulizer of claim 18 wherein the ~~nebulizer further comprises aerosol tube~~ has ~~an aerosol tube about at least a portion of the tubular energy transmitter and having~~ a cross-sectional area such that the positive pressure of the aerosol within the aerosol tube induces a pressure drop along the aerosol tube which propels the aerosol through the aerosol tube.

24. (Currently Amended) The nebulizer of claim 23 wherein an internal diameter of the aerosol tube is greater than an internal diameter of the tubular energy transmitter at its the opposite end of the tubular energy transmitter.

25. (Previously Presented) The nebulizer of claim 23 wherein the aerosol tube is positioned so that it is substantially coaxial with the tubular energy transmitter.

26. (Previously Presented) The nebulizer of claim 25 wherein the aerosol tube is connected to the opposite end of the tubular energy transmitter.

27. (Previously Presented) The nebulizer of claim 26 wherein the energy source vibrates the liquid proximate the opposite end of the tubular energy transmitter.

28. (Previously Presented) The nebulizer of claim 23 wherein the aerosol tube opens at its upper end into an expansion chamber which in turn communicates with an outlet duct.

29. (Previously Presented) The nebulizer of claim 28 wherein the expansion chamber is adapted to recirculate larger drops of the liquid back into the container.

30. (Previously Presented) The nebulizer of claim 18 wherein the energy source comprises an ultrasonic transducer for transmission of ultrasonic radiation energy.

31. (Previously Presented) The nebulizer of claim 23 wherein the ultrasonic transducer has a concave shaped surface.

32. (Previously Presented) The nebulizer of claim 30 wherein the ultrasonic transducer is arranged to transmit ultrasonic energy to a focal region of the liquid.

33. (Cancelled)

34. (Currently Amended) The nebulizer of claim 32 wherein an internal diameter ~~fe~~ of the tubular energy transmitter is substantially equal to a diameter of the focal region.

35. (Previously Presented) The nebulizer of claim 30 wherein the tubular energy transmitter has a higher acoustic impedance than the liquid.

36 - 38. (Cancelled)

39. (New) The nebulizer of claim 28, further comprising a partition wall located to one side of the expansion chamber to separate the outlet duct from the tubular energy transmitter.